

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America )  
 v. )  
 Rafael Gabriel MARTINEZ Leal (1) )  
 Juan Pablo HOYOS Avila (2) )

Case No.

SA18-MJ-892

Filed 07/16/18  
 Clerk, U. S. District Court  
 Western District of Texas  
 [Signature] Deputy

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 16, 2018 in the county of Bexar in the  
Western District of Texas, the defendant(s) violated:

## Code Section

## Offense Description

31 USC 5332 (a)(1)  
 31 USC 5316 (a)(1)(A)

Whoever, with the intent to evade a currency reporting requirement under section 5316, knowingly conceals more than \$10,000 in currency or other monetary instruments on the person of such individual or in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside the United States to a place within the United States

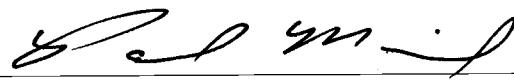
This criminal complaint is based on these facts:

## SEE ATTACHED AFFIDAVIT

## PENALTIES:

5 years imprisonment, 3 years supervised release, \$250,000 fine, \$100 mandatory special assessment.

Continued on the attached sheet.



Complainant's signature

Paul Muriel, Special Agent

Printed name and title



Judge's signature

Sworn to before me and signed in my presence.

Date: July 16, 2018

City and state: San Antonio, Texas

Hon. Richard B. Farrer, U.S. Magistrate Judge

Printed name and title

## Maximum Penalties:

~~2 years confinement, \$250,000 Fine or Both, 1 year supervised release, \$100 mandatory special assessment~~

AFFIDAVIT

Being duly sworn, I declare that the following is true and correct to the best of my knowledge.

My name is Paul B. Muriel, and I am a Special Agent with the United States Immigration and Customs Enforcement's, Homeland Security Investigations and have been so employed for approximately sixteen years. I am authorized by the United States Department of Homeland Security to enforce the Immigration Laws and Regulations of the United States or any other Laws of Regulations designated by the Attorney General or his successor, the Secretary of the Department of Homeland Security.

On July 17, 2018, Customs and Border Protection (CBP) San Antonio received an anonymous phone call at approximately 1845 hours stating that a private plane bearing tail number XB TOY was going to be smuggling a large amount of U.S. Currency from San Antonio International Airport on July 17, between 1900 and 2000 hours. CBP Officers responded to Signature Fixed Based Operator (FBO) where private plane bearing tail number XB TOY was getting ready to depart to Monterrey, Mexico. CBP Officers contacted the Federal Aviation Administration (FAA) tower and requested that the plane be sent to the CBP private aircraft inspection facility. CBP Officers proceeded to the CBP facility to conduct an inspection of the plane. Once the plane arrived at the CBP facility, CBP Officers asked all occupants on the plane if they had any currency over \$10,000 to declare. A negative declaration was given by all the occupants which included Rafael Gabriel MARTINEZ Leal, Juan Pablo HOYOS Avila, Jose Andres MARROQUIN Salazar, Jorge Luis MARTINEZ Hernandez, and Marina Montserrat GUAJARDO Leal. CBP Form 6059B (Spanish version) was given to the passengers. Rafael Gabriel MARTINEZ Leal did not declare any money on the CBP Form 6059B. Juan Pablo HOYOS Avila declared \$960.00.

Inside the plane were eight sealed boxes that had pictures of a fan and the box which read 18" High Velocity Outdoor Fan and one fan that was not in a box. The boxes were off loaded and opened. Seven of the boxes contained fans and one box contained several bundles wrapped in grey duct tape. The bundles were opened and U.S. Currency was found inside of every duct taped bundle totaling \$879,099.00.

CBP contacted HSI San Antonio to inform them that a large amount of U.S. Currency was discovered on private plane bearing tail number XB TOY. HSI Special Agents responded to the CBP facility. Juan Pablo HOYOS Avila was given a statement of rights form which he signed waiving his rights. HOYOS also signed a consent to search form for his cell phone. HOYOS admitted to his participation in the smuggling of the U.S. Currency. HOYOS stated that MARTINEZ pays for most of his rent at the apartment HOYOS lives in. HOYOS receives U.S. Currency from different individuals and stores the U.S. Currency in his garage which he rents until MARTINEZ can come pick up the U.S. Currency and fly it to Mexico via private air craft.

HOYOS stated that he has been helping MARTINEZ since around January 2018. HOYOS wrote a statement stating he knew it was U.S. Currency, and he knew it was wrong. HOYO wrote that he knew it was "something like undeclared cash or drug money." HOYOS also stated that he has gone to Houston to pick up money and brought it back to San Antonio.

Rafael Gabriel MARTINEZ Leal was given a statement of rights form which he signed waiving his rights. MARTINEZ also signed a consent to search form for his cell phone. MARTINEZ took full responsibility for the smuggling of U.S. Currency. MARTINEZ stated that he has been coordinating the movement of money throughout the United States to San Antonio where he picks up the U.S. Currency from HOYOS. MARTINEZ stated he has been coordinating and smuggling U.S. Currency to Mexico via private aircraft for approximately nine months. MARTINEZ stated that he gets paid 3.5% of the U.S. Currency smuggled. MARTINEZ further stated that he smuggles approximately one million dollars a week.

Jorge Luis MARTINEZ Hernandez and Marina Montserrat GUAJARDO Leal came from Monterrey, Mexico via private plane bearing tail number XB TOY with Rafael Gabriel MARTINEZ Leal. Once in San Antonio Jorge Luis MARTINEZ Hernandez, and GUAJARDO separated from Rafael Gabriel MARTINEZ and went shopping. Jorge Luis MARTINEZ and GUAJARDO claimed to not know anything about the smuggling of U.S. Currency.

Jose Andres MARROQUIN Salazar was the pilot. He was hired to fly the private plane bearing tail number XB TOY which was also rented by Rafael Gabriel MARTINEZ Leal. MARROQUIN stated that he has flown Rafael Gabriel MARTINEZ to the U.S. from Mexico on two other occasions. MARROQUIN claimed not to know anything about the smuggling of U.S. Currency.



PAUL MURIEL, SPECIAL AGENT, ICE

SWORN TO ON JULY 16, 2018



RICHARD B. FARRER  
UNITED STATES MAGISTRATE JUDGE